

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re: Aleksandras Smirnovas ) Chapter 13  
                                  )  
                                  )  
                                  ) No. 22-10727  
                                  )  
Debtor(s)                  ) Judge Janet S. Baer

**NOTICE OF MOTION**

TO: See attached list

PLEASE TAKE NOTICE that on December 23, 2022, at 9:30am, I will appear before the Honorable Janet S. Baer, or any judge sitting in that judge's place, either in courtroom 615 of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn Street, Chicago, IL 60604, or electronically as described below, and present the motion of Debtor Avoid Lien of First Midwest Bank [to/for], a copy of which is attached.

**All parties in interest, including the movant, may appear for the presentment of the motion either in person or electronically using Zoom for Government.**

You may appear electronically by video or by telephone.

**To appear by video**, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

**To appear by telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

**Meeting ID and passcode.** The meeting ID for this hearing is 160 731 2971, and the passcode is 587656. The meeting ID and passcode can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

By: David Freydin

David Freydin, Esq.  
Law Offices of David Freydin  
8707 Skokie Blvd, Suite 312  
Skokie, IL 60077  
Phone: 847.972.6157

**CERTIFICATE OF SERVICE**

I, David Freydin, certify [if an attorney]/declare under penalty of perjury under the laws of the United States of America [if a non-attorney] that I served a copy of this notice and the attached motion on each entity shown on the attached list at the address shown and by the method indicated on the list on December 5, 2022, at 5:00pm.

David Freydin

[Signature]

**CERTIFICATE OF SERVICE**

I hereby certify that in this 1<sup>st</sup> day of December, 2022, I placed a true and correct copy of the foregoing DEBTOR'S MOTION TO AVOID LIENTS OF BMO HARRIS BANK, US BANK EQUIPMENT FINANCE AND COMMERCIAL CREDIT GROUP, INC., in the U.S. Mail, first-class, postage prepaid, addressed to the following parties:

CT Corporation Systems  
Registered Agent for BMO Harris Bank  
Registered Agent for US Bank Equipment Finance  
208 So. LaSalle, Ste 814  
Chicago, IL 60604

Cogency Global Inc.  
Registered Agent for Commercial Credit Group, Inc.  
600 S. Second St., Suite 404  
Springfield, IL 62704

/s/ David Freydin  
David Freydin

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**In the Matter of:**

Aleksandras Smirnovas	}	Case No. 22-10727
	}	Chapter 13
<b>Debtor(s)</b>	}	Judge Baer

**DEBTOR'S MOTION TO AVOID LIENS OF BMO HARRIS BANK, US BANK**

**EQUUPIMENT FINANCE AND COMMERCIAL CREDIT GROUP INC.**

Debtor, by and through Debtor's attorney, David Freydin, in support of his Motion to Avoid Lien pursuant to 11 U.S.C. § 522(f), states to the court as follows:

1. Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code on September 19, 2022.
2. The Debtor is the owner of the property located at 6435 S. Quincy St. Willowbrook, IL 60527 (hereinafter "Residence").
3. According to Debtor's Schedule A/B, the value of the Debtor's interest in the Residence is \$631,000.00. See Exhibit A. The Debtor is entitled to a homestead exemption of \$15,000.00.
4. There is a first mortgage on the property being held by Fifth Third Bank, as assignee of Union Home Mortgage Corporation. At the time of filing, the mortgage balance was \$393,936.71. See Exhibit B.
5. There is a second mortgage on the property in favor of Iosif Tsygenbard in the amount of \$60,000.00, recorded on March 15, 2018, as Document Number R2018-022985. See Exhibit C.

6. There is a judgment lien on the property in favor of U.S. Bank Equipment Finance, in an amount of \$511,884.67, plus any additional interest and costs, less any amounts recovered from the Debtor and the Debtor's former business, Alexonka, Inc., recorded October 16, 2020 as Document Number R2020-119266. See Exhibit D.
7. There is a mortgage in favor of Elena Smorovsky in the amount of \$65,000.00, recorded on April 19, 2021, as Document Number R2021-061009. See Exhibit E.
8. There is a judgment in favor of BMO Harris Bank, NA, in the amount of at least \$518,760.37, recorded on December 15, 2021, as Document Number R2021-178743. See Exhibit F.
9. There is a judgment in favor of BMO Harris Bank, NA, in the amount of at least \$61,352.66, recorded on February 10, 2022, as Document Number R2022-015364. See Exhibit G.
10. There is a judgment in favor of Commercial Credit Group, Inc., in the amount of at least \$236,328.94, recorded on September 23, 2022, as Document Number R2022-087800. See Exhibit H.
11. Pursuant to 11 U.S.C. § 522 (f), the Debtor seeks to avoid all judicial liens to the extent that they impair the homestead exemption. Specifically, the Debtor seeks to avoid the first lien of U.S. Bank, NA, to the extent that it exceeds \$162,063.29, and the other liens of BMO Harris Bank, NA, and Commercial Credit Group, Inc., entirely.

WHEREFORE, the Debtor respectfully requests that this Honorable Court enter an Order avoiding the liens of U.S. Bank, NA, and Commercial Credit Group, Inc., on the Debtor's homestead, and grant such other and further relief and this court deems fair and just.

Respectfully Submitted,

/s/ David Freydin

David Freydin, Esq.

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